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In re Application of
STRANDBERG, Annica et al.
Application No.: 09/926,340
PCT No.: PCT/SE00/00715
Int. Filing Date: 14 April 2000
Priority Date: 16 April 1999
Attorney Docket No.: STRA 3004/REF
For: FLUFF PULP FOR ABSORPTION
PRODUCTS

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to "Petition Under 37 C.F.R. 1.181(a) Requesting Withdrawal of the Holding of Abandonment," submitted to the United States Patent and Trademark Office on 09 December 2002.

BACKGROUND

On 14 April 2000, applicants filed international application PCT/SE00/00715. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 09 November 2000. On 01 November 2000, applicant filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 16 October 2001.

On 16 October 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 November 2001, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required.

On 13 November 2002, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned for failure to respond to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 09 November 2001.

On 09 December 2002, applicants submitted "Petition Under 37 C.F.R. 1.181(a)".

On 08 May 2003, applicants submitted a status inquiry letter.

On 13 May 2003, the Office replied to the status inquiry letter.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1), (2) and (3) have been met. Practitioner states that the Office action was not received by the practitioner and that he has searched the file and docket records and they indicate that the office action was not received. A copy of the records where the non-received office action would have been docketed has been provided.


CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

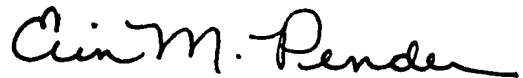
The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 19 November 2001 is VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 November 2001 is VACATED.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including mailing of a Notification of Missing Requirements indicating that the an oath or declaration and the surcharge for late filing of the oath or declaration are required.



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